

# Editorial: Geographic range would improve Washington high court

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Eastern Washington has depended on the kindness of the governor for representation on the state Supreme Court for 25 years. It's time for a permanent injunction.

Senate Joint Resolution 8205 would amend – with the consent of voters – the state constitution to allow for primary election of the justices by district. The general election would remain statewide.

District lines would follow those for the three Courts of Appeal. Because populations within those districts are unequal, District 1, which includes King County, would be allotted four seats. District 2, encompassing much of the rest of Western Washington, would get three seats. District 3 in Eastern Washington would send two candidates to the general election.

The split is fair, and two is better than one, which is all that Eastern Washington has had since at least 1990, and that's only because Gov. Booth Gardner appointed Spokane attorney Richard Guy.

The presumption, certainly by primary amendment sponsor Sen. Mike Padden, is that justices from Eastern Washington would amplify conservative arguments during hearings and deliberations. Committee member Sen. Pam Roach voiced the evergreen frustration that liberal Seattle controls the outcome of statewide elections.

No matter, said Justice Debra Stephens, the former Spokane resident who replaced Guy when he retired; again by way of appointment, this time by Gov. Chris Gregoire. But Stephens no longer lives here because she found it impossible to maintain a Spokane home and family when so much of her time was spent in Olympia.

She has moved since her appointment in 2007, and the amendment as proposed would not allow her to seek re-election. That provision in the measure should be changed.

But Stephens also downplayed the importance of geographic origin when the justices convene. It's the totality of all the experience each justice brings to the Temple of Justice, she argued, and geographic diversity is just one that may figure in the court's deliberations.

Though true, that passes over the obvious fact that the two congressional districts in Eastern Washington are solidly conservative. Perhaps Stephens herself cannot be

pigeon-holed as such, but her eloquence and intelligence would distinguish her in any district.

If there is a concern, it's money. Roach argued that Washington judicial races are too inexpensive, and the candidates often too unknown because of it. Voting by district in the primary would force judicial candidates to get closer to the electorate; a point well-taken.

But special interests can get closer, too, with media buys and advertising that can affect a primary outcome such as they could not in a general election. Remember, more than \$2.5 million was spent on Supreme Court races in 2006.

There's also the danger of carpetbagging by candidates who need spend only one year in a district to qualify for residency, although voters are unlikely to overlook the baggage.

Constitutions should always be amended with caution. SJR 8205 would be a significant change, but one that would do more justice to Eastern Washington.

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